

**To:** Miller, Clay[Miller.Clay@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Libertz, Catherine[Libertz.Catherine@epa.gov]  
**Cc:** Torres, Tomas[Torres.Tomas@epa.gov]; Woo, Nancy[Woo.Nancy@epa.gov]  
**From:** Brush, Jason  
**Sent:** Wed 12/20/2017 11:45:12 PM  
**Subject:** Re: EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017)

Hi John, Cathy and Clay - The only change was "interagency deliberative" headings and maybe some typos. Content is the same.

We first transmitted as interagency deliberative, then Corps wanted to release, so we retransmitted in a publicly-releasable format. No content or conclusions changed from R9 perspective.

Although analyses themselves are long, the bottom lines are laid out in the transmittal email and memo in a couple of paragraphs.

Happy holidays - Jason

Sent from my iPhone

On Dec 19, 2017, at 7:43 PM, Miller, Clay <Miller.Clay@epa.gov> wrote:

See Cathy's email. She is wanting to know why changed between the draft and the final transmission.

Sent from my iPhone

Begin forwarded message:

**From:** "Libertz, Catherine" <Libertz.Catherine@epa.gov>  
**Date:** December 19, 2017 at 5:28:12 PM EST  
**To:** "Miller, Clay" <Miller.Clay@epa.gov>  
**Subject:** RE: EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017)

Thanks, Clay. I am printing out all the documents for John. They are long... so it would be helpful to just get the bottom line from Region IX on what changed... Can you reach out to Jason? I am going to call Tomas just to check in, but I'm guessing Jason would have more specifics on what actually changed.

Thanks!  
Cathy

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**From:** Miller, Clay  
**Sent:** Tuesday, December 19, 2017 5:17 PM  
**To:** Libertz, Catherine <Libertz.Catherine@epa.gov>  
**Subject:** Fwd: EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017)

Sent from my iPhone  
Begin forwarded message:

**From:** "Brush, Jason" <Brush.Jason@epa.gov>  
**To:** "Miller, Clay" <Miller.Clay@epa.gov>  
**Subject:** FW: EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017)

Hi Clay – Per your phone request, here is the original transmittal to Corps SPD's expert

ED\_002020B\_00022910-00001

review team of R9 staff analysis of the final mitigation plan, sigdeg analysis, and secondary surface effects. You were bcc'd on this one. -JB

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**From:** Brush, Jason  
**Sent:** Thursday, October 05, 2017 8:35 PM  
**To:** [edwin.s.townsley@usace.army.mil](mailto:edwin.s.townsley@usace.army.mil)  
**Cc:** [William.L.James@usace.army.mil](mailto:William.L.James@usace.army.mil); [Deanna.L.Cummings@usace.army.mil](mailto:Deanna.L.Cummings@usace.army.mil)  
**Subject:** EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017)  
**Importance:** High

Stu – Thanks to you and your team for forwarding Hudbay’s Final Habitat Mitigation and Monitoring Plan (HMMP) and requesting our input. I am transmitting for your consideration three documents reflecting EPA technical staff analysis pertinent to SPD’s assessment of the HMMP: 1) a Significant Degradation analysis of direct impacts (which under the regulations can only be overcome through compensatory mitigation); 2) an analysis of the most current information on secondary impacts to surface waters from groundwater drawdown (a direct consequence of the permitted discharges); and 3) our technical and policy assessment of the Final HMMP itself.

In summary, we find that the proposed mitigation described in the Final HMMP--located outside the impacted watershed--would not avoid significant degradation to the impacted watershed (Cienega Creek). Even if individually successful, the proposed mitigation actions would inadequately replace the ecological services currently provided by the headwater stream network and interrelated terrestrial ecology covered by the proposed permit action. We find this to be the case independent of whether the Corps considers the secondary surface impacts from groundwater drawdown.

Please don’t hesitate to contact me or my staff to discuss the HMMP and address any questions regarding our analysis.

Respectfully,

**Jason A. Brush**  
**Supervisor, Wetlands Section**  
**U.S. Environmental Protection Agency, Region 9**  
**75 Hawthorne Street (WTR-2-4)**  
**San Francisco, CA 94105**

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**desk: 415.972.3483**

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